

**REMARKS**

This responds to the Office Action mailed on November 27, 2007.

No claims are amended, canceled, or added. Thus, claims 1-25 remain pending in this application.

***Double Patenting Rejection***

Claims 1-25 were rejected under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,697,359.

Applicant does not admit that the claims are obvious in view of U.S. Patent No. 6,697,359. However, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to obviate these rejections.

**RESPONSE UNDER 37 CFR § 1.111**

Serial Number: 10/352,390

Filing Date: January 6, 2004

Title: HIGH PERFORMANCE SWITCH FABRIC ELEMENT AND SWITCH SYSTEMS

Page 9  
Dkt: 130.045US2

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 12/28/2007

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28<sup>th</sup> day of December 2007.

KIMBERLY BROWN

Name

*Kimberly Brown*  
Signature